

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

---

**THIRTY-SECOND LEGISLATIVE DAY  
THURSDAY, FEBRUARY 6, 2003**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Brandt, absent and formally excused by the Chair; and Senators Bunderson, Burkett, Calabretta, Cameron, Keough, Lodge, Marley, McKenzie, Noble, Pearce, Schroeder, and Stennett, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Melanie Grimm, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 5, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Bunderson, Burkett, Calabretta, Lodge, McKenzie, and Schroeder were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senators Cameron, Keough, Pearce, and Stennett were recorded present at this order of business.

February 6, 2003

The JUDICIARY AND RULES Committee reports that **S 1062**, **S 1063**, and **S 1064** have been correctly printed.

DARRINGTON, Chairman

**S 1062** and **S 1063** were referred to the Education Committee.

**S 1064** was referred to the Transportation Committee.

February 5, 2003

The JUDICIARY AND RULES Committee reports that **S 1002**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

**S 1002**, as amended, was filed for first reading.

February 6, 2002

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1002** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 5, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1014** was delivered to the Office of the Governor at 2 p.m., February 5, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

February 5, 2003

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 33** with the recommendation that it do pass.

ANDREASON, Chairman

**H 33** was filed for second reading.

February 5, 2003

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Pamela J. Huntsman to the Idaho Sexual Offender Classification Board, term to expire January 1, 2009.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 5, 2003

The JUDICIARY AND RULES Committee reports out **S 1029, S 1030, S 1031, S 1032, S 1033, and S 1034** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1029, S 1030, S 1031, S 1032, S 1033, and S 1034** were filed for second reading.

February 5, 2003

The STATE AFFAIRS Committee reports out **H 84** with the recommendation that it do pass.

RICHARDSON, Vice Chairman

**H 84** was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 5, 2003

Mr. President:

I transmit herewith **H 13**, as amended, and **H 3**, as amended, and I return herewith **S 1001**, which have passed the House.

JUKER, Chief Clerk

**H 13**, as amended, and **H 3**, as amended, were filed for first reading.

**S 1001** was referred to the Judiciary and Rules Committee for enrolling.

February 5, 2003

Mr. President:

I transmit herewith Enrolled **H 87, H 68, and H 69** for the signature of the President, and I return herewith Enrolled **S 1022** and **S 1025**, which has been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **H 87, H 68, and H 69** and ordered them returned to the House.

Enrolled **S 1022** and **S 1025** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

##### **S 1065**

#### **BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### **AN ACT**

RELATING TO REGULATION OF INSTALLERS OF HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 50, TITLE 54, IDAHO CODE, TO PROVIDE A DECLARATION OF POLICY, TO PROVIDE EXCEPTIONS, TO PROVIDE DEFINITIONS, TO CREATE THE IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD, TO PROVIDE POWERS AND DUTIES OF THE BOARD, TO PROVIDE POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY, TO PROVIDE REQUIREMENTS FOR ISSUANCE OF CERTIFICATES OF COMPETENCY, TO PROVIDE THAT A CERTIFICATE IS A PREREQUISITE TO ENGAGING IN HEATING, VENTILATION AND AIR CONDITIONING WORK, TO PROVIDE FOUR CLASSIFICATIONS OF COMPETENCY, TO REQUIRE EXAMINATIONS OF ALL APPLICANTS FOR A CERTIFICATE OF COMPETENCY, TO PROVIDE FOR THE ISSUANCE OF A CERTIFICATE OF COMPETENCY, TO PROVIDE FEES FOR EXAMINATIONS, CERTIFICATES AND REGISTRATION OF APPRENTICES, TO PROVIDE FOR CERTIFICATE EXPIRATION AND RENEWAL, TO REQUIRE CERTIFICATES TO BE DISPLAYED IN PLACE OF BUSINESS AND AVAILABLE WHILE ON THE JOB, TO PROVIDE FOR EXCLUSIVE JURISDICTION OF THE STATE FOR ISSUANCE OF CERTIFICATES AND TO PLACE CERTAIN RESTRICTIONS ON LOCAL JURISDICTIONS, TO REQUIRE THAT PERMITS BE OBTAINED PRIOR TO PERFORMING HEATING, VENTILATION AND AIR CONDITIONING WORK WITH AN EXCEPTION, TO PROVIDE FOR APPLICATION AND FEES FOR A PERMIT, TO PROVIDE FOR INSPECTION OF PERMITTED WORK, TO PROVIDE FOR APPROVAL AND CERTIFICATION OF INSPECTIONS, TO PROVIDE FOR REQUESTING AN INSPECTION AND FOR REINSPECTIONS, TO PROVIDE FOR APPOINTMENT AND QUALIFICATION OF INSPECTORS, TO SPECIFY VIOLATIONS AND TO PROVIDE PENALTIES, TO PROVIDE THAT THE ATTORNEY GENERAL AND COUNTY PROSECUTING ATTORNEYS SHALL REPRESENT THE STATE IN ACTIONS OR PROCEEDINGS INVOLVING QUESTIONS RELATIVE TO THIS CHAPTER AND TO CREATE THE IDAHO HEATING, VENTILATION AND AIR CONDITIONING BOARD FUND; AND DECLARING AN EMERGENCY.

##### **S 1066**

#### **BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### **AN ACT**

RELATING TO GARNISHMENTS; AMENDING SECTION 8-507, IDAHO CODE, TO CLARIFY THE TERM CORPORATION TO INCLUDE BANKING OR TRUST CORPORATIONS, TO PROVIDE FOR SERVICE UPON

MANAGERS OR DESIGNATED AGENTS, TO REMOVE LANGUAGE RELATING TO SERVICE UPON CERTAIN BANKING OR TRUST CORPORATIONS, TO SPECIFY HOW BANKING OR TRUST CORPORATIONS MAY DESIGNATE OFFICES FOR SERVICE OF CERTAIN DOCUMENTS, TO PROVIDE THAT THE DEPARTMENT OF FINANCE SHALL POST A LIST OF DESIGNATED OFFICES ON ITS WEB PAGE, TO REMOVE LANGUAGE REFERENCING BRANCHES OR BRANCH BANKS, TO PROVIDE THAT SERVICE ON A DESIGNATED OFFICE SHALL BE EFFECTIVE AS TO MONEYS IN THE BANKING OR TRUST CORPORATION'S OFFICES LOCATED OUTSIDE THE STATE OF IDAHO, TO SPECIFY THE EFFECT OF SERVICE MADE ON AN OFFICE NOT DESIGNATED BY BANKING OR TRUST CORPORATIONS AND TO SPECIFY THE EFFECT OF SERVICE GENERALLY; AND AMENDING SECTION 8-507D, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PERSONAL SERVICE OF GARNISHMENT DOCUMENTS AND TO MAKE A TECHNICAL CORRECTION.

**S 1067**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO ENFORCEMENT ACTIONS OF TOBACCO PERMITTEES; AMENDING SECTION 39-5702, IDAHO CODE, TO FURTHER DEFINE TERMS; AND AMENDING SECTION 39-5710, IDAHO CODE, TO CLARIFY WHEN A MINOR SHALL PARTICIPATE IN AN INSPECTION.

**S 1068**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-912, IDAHO CODE, TO AUTHORIZE THE BOARD OF DENTISTRY TO REQUIRE AND ACCEPT RESULTS OF DENTAL AND DENTAL HYGIENE EXAMINATIONS ADMINISTERED BY APPROVED REGIONAL AND NATIONAL DENTAL AND DENTAL HYGIENE TESTING ORGANIZATIONS; AMENDING SECTION 54-915, IDAHO CODE, TO SPECIFY THAT MULTIPLE EXAMINATIONS ARE REQUIRED TO BE PASSED TO QUALIFY FOR LICENSURE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-918, IDAHO CODE, TO REVISE EXAMINATIONS CRITERIA FOR APPLICANTS FOR LICENSURE, TO AUTHORIZE THE REQUIRING AND ACCEPTANCE OF THE RESULTS OF EXAMINATIONS CONDUCTED BY APPROVED REGIONAL AND NATIONAL TESTING ORGANIZATIONS, TO PROVIDE THAT THE REGIONAL AND NATIONAL TESTING ORGANIZATIONS SHALL ESTABLISH THE PASSING STANDARDS FOR THE EXAMINATIONS THEY CONDUCT AND TO REQUIRE THAT ANY APPLICANT WHO FAILS ANY EXAMINATION CONDUCTED BY THE BOARD BE NOTIFIED IN WRITING BY THE BOARD; AND AMENDING SECTION 54-921, IDAHO CODE, TO SPECIFY THAT A PERSON SEEKING REINSTATEMENT OF A LICENSE MAY BE REQUIRED BY THE BOARD OF DENTISTRY TO PASS SUCH EXAMINATIONS AS SHALL DEMONSTRATE THE PERSON'S COMPETENCE AND TO MAKE A TECHNICAL CORRECTION.

**S 1069**

**BY STATE AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO BEER AND WINE AND RESTRICTIONS CONCERNING AGE; AMENDING SECTION 23-943, IDAHO CODE, TO PROVIDE THAT PERSONS WHO ARE EIGHTEEN YEARS OF AGE OR OLDER MAY, ON PREMISES LICENSED FOR THE SALE OF BEER OR WINE ONLY FOR CONSUMPTION OFF THE LICENSED PREMISES, SELL, POSSESS OR DELIVER BEER OR WINE IN THE COURSE OF THEIR EMPLOYMENT; AND AMENDING SECTION 23-1013, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO IS EIGHTEEN YEARS OF AGE OR OLDER MAY, ON PREMISES LICENSED FOR THE SALE OF BEER ONLY FOR CONSUMPTION OFF THE LICENSED PREMISES, SELL, POSSESS OR DELIVER BEER IN THE COURSE OF HIS EMPLOYMENT.

**S 1070**

**BY LOCAL GOVERNMENT AND TAXATION**

**COMMITTEE**

**AN ACT**

RELATING TO COLLECTION OF PUBLIC DEBTS; AMENDING SECTION 20-607, IDAHO CODE, TO PROVIDE THAT REPRESENTATIVES OF COUNTIES MAY FILE CIVIL ACTIONS AND TO REVISE A TIME LIMITATION; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2358, IDAHO CODE, TO PROVIDE THAT PUBLIC AGENCIES MAY RETAIN COLLECTION AGENCIES TO COLLECT PUBLIC DEBTS, TO PROVIDE FOR COLLECTION FEES, TO REQUIRE NOTICE TO DEBTORS, TO LIMIT REMEDIES AND POWERS OF COLLECTION AGENCIES AND TO CLARIFY THE TERM "DEBT"; AND DECLARING AN EMERGENCY.

**S 1071**

**BY LOCAL GOVERNMENT AND TAXATION**

**COMMITTEE**

**AN ACT**

RELATING TO CITY FINANCES; AMENDING SECTION 50-1017, IDAHO CODE, TO PROVIDE THAT PRIOR TO PAYMENT ALL CLAIMS AGAINST THE CITY SHALL BE APPROVED BY THE CITY COUNCIL AND THE CITY COUNCIL SHALL ESTABLISH AND MAINTAIN AN ADEQUATE AND REASONABLE SYSTEM OF INTERNAL ACCOUNTING CONTROLS; AMENDING SECTION 50-1018, IDAHO CODE, TO AUTHORIZE PAYMENT OF CLAIMS BY ELECTRONIC MEANS UPON APPROVAL; AND DECLARING AN EMERGENCY.

**S 1072**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO OUTREACH EFFORTS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209m, IDAHO CODE, TO PROVIDE THAT OUTREACH EFFORTS RELATED TO THE FEDERAL CHILDREN'S HEALTH INSURANCE PROGRAM MAY EXCEED FEDERAL MINIMUM LEVELS AND TO PROVIDE THAT SUCH EFFORTS SHALL BE SUBJECT TO STATE BUDGETARY LIMITATIONS THAT OTHERWISE APPLY.

**S 1073****BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO HEALTH INSURANCE COVERAGE PURSUANT TO A CHILD SUPPORT ORDER; REPEALING SECTIONS 32-1214, 41-2145, 41-2219, 41-3442, 41-3929, 41-4026 AND 41-4717, IDAHO CODE; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214A, IDAHO CODE, TO STATE THE PURPOSE; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214B, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214C, IDAHO CODE, TO AUTHORIZE A MEDICAL SUPPORT ORDER; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214D, IDAHO CODE, TO SPECIFY EXCEPTIONS TO THE REQUIREMENT FOR IMMEDIATE ENROLLMENT; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214E, IDAHO CODE, TO PROHIBIT DENIAL OF ENROLLMENT UNDER CONDITIONS SPECIFIED; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214F, IDAHO CODE, TO REQUIRE NOTICE OF THE REQUIREMENT FOR A MEDICAL SUPPORT ORDER; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214G, IDAHO CODE, TO DEFINE AUTHORITY OF THE DEPARTMENT FOR ENFORCEMENT OF THE MEDICAL SUPPORT ORDER PROVISIONS; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214H, IDAHO CODE, TO REQUIRE NOTICE OF INTENT TO ENFORCE AN ORDER; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214I, IDAHO CODE, TO PROVIDE CONDITIONS FOR DISENROLLMENT; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214J, IDAHO CODE, TO REQUIRE NOTICE OF INTENT TO TERMINATE COVERAGE; AMENDING CHAPTER 12, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-1214K, IDAHO CODE, TO PROVIDE PENALTIES FOR NONCOMPLIANCE; AMENDING CHAPTER 13, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1336, IDAHO CODE, TO REQUIRE COMPLIANCE BY INSURERS; AND AMENDING SECTIONS 41-3434 AND 41-3904, IDAHO CODE, TO DELETE CODE REFERENCES.

**S 1074****BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO ENFORCEMENT PROCEDURES RELATING TO HEALTH AND SAFETY; AMENDING SECTION 39-1606, IDAHO CODE, TO PROVIDE CORRECT CODE CITATIONS.

**S 1075****BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO

PROTECT THE PUBLIC HEALTH; AMENDING SECTION 56-1001, IDAHO CODE, TO FURTHER DEFINE TERMS; AND AMENDING SECTION 56-1003, IDAHO CODE, TO CLARIFY THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO IMPOSE, SUBJECT TO JUDICIAL REVIEW, ORDERS FOR ISOLATION AND QUARANTINE.

**S 1076****BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO QUALIFICATIONS OF A DESIGNATED EXAMINER FOR PURPOSES OF CHILDREN'S MENTAL HEALTH SERVICES; AMENDING SECTION 16-2403, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 66-317, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO DELETE A CODE REFERENCE; AND AMENDING SECTION 66-329, IDAHO CODE, TO FURTHER GOVERN THE DEFINITION OF A DESIGNATED EXAMINER AND TO MAKE TECHNICAL CORRECTIONS.

**S 1077****BY HEALTH AND WELFARE COMMITTEE****AN ACT**

RELATING TO REGULATION OF POLYSOMNOGRAPHY RELATED RESPIRATORY CARE PROVIDERS; AMENDING SECTION 54-4303, IDAHO CODE, TO FURTHER DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 43, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-4304A, IDAHO CODE, TO PROVIDE REGISTRATION FOR PRACTITIONERS OF POLYSOMNOGRAPHY RELATED RESPIRATORY CARE SERVICES AS A TECHNOLOGIST, TECHNICIAN OR TRAINEE AND TO GOVERN PROCEDURES AND REQUIREMENTS; AMENDING SECTION 54-4313, IDAHO CODE, TO INCLUDE A REGISTERED POLYSOMNOGRAPHY TECHNOLOGIST IN THE MEMBERSHIP OF THE LICENSURE BOARD; PROVIDING TRANSITION TO MEMBERSHIP OF THE LICENSURE BOARD; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

**S 1065, S 1066, S 1067, S 1068, S 1069, S 1070, S 1071, S 1072, S 1073, S 1074, S 1075, S 1076, and S 1077** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**S 1002**, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

**H 13**, as amended, by Mr. Speaker, was introduced, read the first time at length, and referred to the State Affairs Committee.

**H 3**, as amended, by Clark, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1035**, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

Senator Marley was recorded present at this order of business.

**S 1016**, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Brandt, Noble. Total - 2.

Total - 35.

Whereupon the President declared **S 1016** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11:35 a.m. until the hour of 11 a.m., Friday, February 7, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary